

**WASHINGTON STATE HUMAN RIGHTS COMMISSION
MEETING OF
April 25-26, 2002**

Wenatchee, WA

MINUTES

THURSDAY, APRIL 25

PARTICIPANTS

Commissioners: Rudy Vasquez (Chair); Dallas Barnes; J. Reiko Callner; Ellis Casson; and Charlotte Coker.

Staff: Susan (Sue) J. Jordan; Executive Director; Arthur Stratton, District Manager; Tanya Calahan, Commission Clerk; Irene Gutierrez, FHIP Specialist; and Susan Carlson, Assistant Attorney General.

Guests: Robbie Scott, Columbia Legal Services.

OPENING

Commissioner Vasquez welcomed everyone.

Commissioner Callner was welcomed aboard as the newest Commissioner.

**CHELAN AND
GRANT
COUNTIES
UPDATE**

FHIP Specialist Irene Gutierrez spoke about outreach efforts that she has been involved in under the two year FHIP grant. Ms. Gutierrez has traveled statewide to cities including Bellingham, Vancouver, and Spokane.

Ms. Gutierrez handed out copies of a fair housing brochure that was produced with funds from the FHIP grant. The brochure is available in several languages. Efforts are underway to make the brochure available in Arabic. However, there have been challenges with finding an interpreter to translate the brochure in Arabic. Ms. Gutierrez shared that she takes copies of the brochure to every outreach session that she attends.

District Manager Arthur Stratton then highlighted complaint statistics from January 1, 2001 – December 31, 2001.

For Chelan County, there were 28 complaints received in 2001. Most were in the area of employment (16). The basis with the most

complaints was disability (14). Race was second (6).

For Grant County, there were 18 complaints received in 2001. Most were in the area of employment (6). The basis with the most complaints was disability (8). Sex was second (4).

Commissioner Callner asked about the areas of credit and insurance, which have very few or no complaints.

Mr. Stratton stated that the Commission consistently receives very few complaints in these areas. He spoke about federal lending laws and how illegal discrimination may be hard to prove in some instances. Federal law requires disclosure of the race of applicants. It is unclear who has access to that information during the loan process.

Commissioner Callner inquired about the number of trainings that are done statewide. Mr. Stratton stated that one "It's the Law" and "Know Your Rights" seminar is held each quarter in Eastern and Western Washington. There are about 65 other outreach events held throughout the year that the Commission participates in.

Commissioner Vasquez stressed the importance of having these outreach events at other times to accommodate the schedules of those in the community. He also shared that it was important to build trust with immigrant populations and partner with community groups on outreach. He then asked whether staff utilizes focus groups for outreach. Mr. Stratton stated that staff does not but they are working on it.

COLUMBIA LEGAL SERVICES

Robbie Scott spoke on behalf of Columbia Legal Services.

He stated that NW Justice Project (NJP) and Columbia Legal Services (CLS) are two separate groups. They do however work in partnership with one another.

He stated that NJP operates the Coordinated Legal Education, Advice and Referral system. (CLEAR). CLEAR is a statewide toll-free telephone service for low-income people to obtain free legal assistance with civil legal problems. It is based in Seattle. The only access restriction is that an individual's income meets certain guidelines.

Mr. Scott shared that CLS offers legal services to low income individuals. They operate on priority system, which focuses on cases that have a broad impact; affecting many people.

CLS's main areas of law are custody issues, farmworker & employer issues (wage, retaliation, and housing), public entitlement (social services), homeownership (acquiring & loss of home), predatory mobile home dealer practices, and senior housing.

The legislature provides funds every two years for CLS. It is a non profit organization. They constantly work to enhance their pro bono services throughout the state of Washington. NJP is funded by the federal government.

Mr. Scott talked about a courthouse facilitator program. The facilitators are "lay persons" who assist individuals access the court system. They help with forms, help organize evidence, and help individuals access other court services. Commissioner Callner asked whether there were issues regarding the unauthorized practice of law with this program. Mr. Scott replied that the issue has been raised but there are rules that exempt the program and judges have been pleased with it. The program has been very successful.

Mr. Scott next spoke about domestic violence involving migrant women. He stated that he devotes a lot of time to this area of law. He stated how challenging it was to help women in these situations because of immigrant status issues, shortages of shelters, and threats of housing evictions because of the actions of the perpetrators.

Commissioner Vasquez asked whether there were any community groups in Wenatchee. Mr. Scott stated that groups are formed as issues arise and he was not aware of any groups that operate consistently.

Commissioner Casson asked about the African American population in Wenatchee. Mr. Scott was unsure but estimated that the population was small. Commissioner Casson then requested that at Commission meetings; staff provide demographic information, including racial data, for the cities that it is meeting in.

OPEN FORUM

Commissioner Vasquez asked Assistant Attorney General Susan Carlson whether the Commission had the authority to set guidelines for state agencies to produce information in other languages. Ms. Carlson will look into the issue.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Tanya Y. Calahan".

Tanya Y. Calahan
Commission Clerk

FRIDAY, APRIL 26

PARTICIPANTS:

Commissioners: Rudy Vasquez (Chair); Ellis Casson; Charlotte Coker; Dallas Barnes; and J. Reiko Callner. A quorum was present.

Staff: Susan (Sue) J. Jordan, Executive Director; Arthur Stratton, District Manager; Tanya Calahan, Commission Clerk; and Susan Carlson, Assistant Attorney General

Guests: There were no guests present.

OPENING AND WELCOME

Commissioner Vasquez opened the meeting at 9:05 a.m. and welcomed everyone.

APPROVAL OF MINUTES

Commissioner Coker suggested that the minutes be signed at the end of the Thursday minutes and Friday meetings, in case someone else is taking the minutes for either day in the Clerk's absence. Commissioner Casson then made a motion to approve the minutes of March 28-29, 2002. Commissioner Coker seconded the motion. MOTION CARRIED.

Commissioner Callner asked what the "core group" is mentioned on page seven, in paragraph three of the minutes. Commissioner Vasquez explained that the core group is part of the strategic plan.

Executive Director Sue Jordan reviewed the follow up items. All items were completed.

APPROVAL CASE CLOSURES

Commissioner Callner stated that she had a question about Jones v. DSHS and then asked about the protocol for asking staff questions about specific cases and whether it would be appropriate for her to come to the Olympia office to look at specific cases if she had questions.

Discussion ensued about the proper protocol to use for answering questions from staff. Commission Clerk Tanya Calahan shared that the current practice is for Commissioners to submit requests for information to the Clerk, who will provide the information or contact the appropriate staff person for the information. Commissioner Coker suggested that this item be included in the orientation manual for new Commissioners. The protocol for obtaining information from staff will be discussed in more detail at a later time.

Commissioner Coker asked about the case of Schultz v. U City Manor. District Manager Arthur Stratton explained that this case

involved senior housing. It was transferred to the US Department of Housing and Urban Development for investigation under the Housing for Older Persons Act (HOPA) because it is non-jurisdictional for the Commission. Commissioner Coker then made a motion to approve the case list for the period of March 22 – April 19, 2002, with the addition of McDonough v. Aspetico and Spears v. Community Health of Spokane. Commissioner Vasquez abstained from voting on Spears v. Community Health of Spokane. Commissioner Callner seconded the motion. MOTION CARRIED.

Commissioner Callner stated that putting the exact location of where alleged discrimination took place in the investigative finding would be helpful.

Commissioner Callner asked about the procedure for mailing out findings to complainants and respondents. Commission Clerk Tanya Calahan explained that the current practice is to mail investigative findings and Notices of Commission Action to complainants and respondents prior to Commissioner approval.

The current letter states that “final” Commission action has been taken. Conciliation and pre finding settlement agreements are mailed out after the Commissioners approve them. Discussion ensued about this practice and whether all findings should be mailed out after Commission approval. Commissioner Barnes asked about possible impacts if this practice were changed. Ms. Calahan stated that adjustments would need to be made to deadlines and parties would have to wait about 30 additional days to be informed of Commission Action on cases.

Commissioner Vasquez asked Assistant Attorney General Susan Carlson whether there would be any impacts from a legal standpoint. Ms. Carlson stated that it is possible that someone could raise an issue about the practice of mailing out notices and findings before the Commissioners approve them.

Commissioner Callner then made a motion that all findings and Notices of Commission Action be mailed out after Commission approval of cases at Commission meetings. Commissioner Barnes seconded the motion. MOTION CARRIED.

EXECUTIVE DIRECTOR’S REPORT

There was a two-day support staff meeting held recently. It was well received. Ms. Jordan stated that support staff are a critical part of the agency.

An all staff meeting was held on April 16-17, 2002 in Tacoma.

Assistant Attorneys General Susan Carlson and Paul Goulding participated. Ms. Carlson presented a case law update. Mr. Goulding presented information on putting together better case files and tips for settlement agreements.

Ms. Jordan spoke about the strategic planning process. Many workgroups have been established. The case processing committee is currently working on many ideas to streamline case processing procedures.

Commissioner Callner asked whether multiple complaint data can be tracked. Staff stated that it is difficult to breakdown complaint data using the current database, which is an EEOC database. Staff is currently looking into other options for a database to track complaint information.

Ms. Jordan shared that she and Commissioner Coker attended the TAPS conference in Spokane. Ms. Jordan was on the conference agenda. Commissioner Coker stated that the part of the program dealing with sexual harassment, which was put on by two attorneys, was well done.

Ms. Jordan highlighted the Candida and Scott Campbell v. Timberlane case. The administrative law judge issued a preliminary decision in favor of the complainant. The complainant was awarded \$3000 in monetary damages and a \$2000 civil penalty was imposed on Respondent.

Commissioner Callner asked about the administrative hearing process and how cases are scheduled for hearing. She also asked at what point do the Commissioners see these cases and whether the Commissioners discuss them before they go to hearing. Commission Clerk Tanya Calahan explained that she mails copies of reasonable cause findings to the Commissioners. These findings do not require approval by the Commissioners. Staff then attempts conciliation. If conciliation fails, the Clerk forwards the case to the Attorney General's office if instructed to do so by the Executive Director. Executive Director Jordan stated that she does this as the Commissioner's representative.

Ms. Calahan read RCW 49.60.250 (1), which requires that the case file be certified to the Chair of the Commission, who then requests the appointment of an administrative law judge (ALJ). She explained that she requests the appointment of an ALJ from the Office of Administrative Hearings (OAH). OAH selects an ALJ

from a panel of judges assigned to do cases for the Commission. Ms. Calahan stated that she issues Notices of Hearing.

Commissioner Vasquez expressed that this issue should be discussed in greater detail at a later time. It is a significant issue and it requires a detailed discussion by the Commissioners before any decisions are made about this process. The administrative hearing process will be discussed at a future Commission meeting.

Executive Director Jordan spoke about the agency's budget. There was a recent budget reduction. She stated staff are looking for ways to save money for the agency. Purchasing new computers is a high priority but it is being done slowly in stages.

Ms. Jordan spoke about the need for staff accountability for unauthorized purchases and possible ethics issues. She stated that better bookkeeping and accounting procedures are being used and expenditures are being tracked more closely.

**GENERAL
PERFORMANCE
UPDATE**

Ms. Jordan spoke about the general performance of the agency. She stated that the agency needs to maximize federal dollars. Commissioner Vasquez asked how much of the agency's budget is federal dollars. Ms. Jordan replied that almost half of the budget is federal money. Commissioner Barnes asked whether EEOC is forwarding cases to the Commission to investigate, and if so, are they older cases. Ms. Jordan stated that some are older but most are newer cases.

Commissioner Vaquez spoke about the need to be balanced and for the agency to not be dependent on one source of funds.

Commissioner Barnes stated that there appeared to be some older housing cases. He then asked for statistics of the number of housing cases that are no reasonable cause and administrative closure.

District Manager Arthur Stratton shared that HUD will not pay agencies for more than 20% administratively closed cases. He stated that both HUD and EEOC require that administrative closures be limited.

Commissioner Barnes asked whether there is a requirement by HUD or EEOC for on site visits during investigations. Mr. Stratton stated that HUD requires a certain amount of on site visits or documentation why on site visits were not done. EEOC does not require them. Also, there is no internal agency requirement for them.

**AGENCY
ISSUES**

The Commissioners considered recent correspondence submitted by the Washington Federation of State Employees (WFSE) regarding the Deputy Director. Commissioner Vasquez requested that a brief acknowledgement letter be sent to WFSE. Commissioner Callner stated that, before responding to WFSE, it was important to clarify whether information requested by WFSE is internal otherwise confidential information or whether it is public information that could be obtained by anyone requesting it. Commissioner Callner will work with Commission Clerk Tanya Calahan to draft a response to WFSE.

Discussion ensued about whether all investigations involving agency personnel are operational matters for the Executive Director to handle. The Commissioners also talk about whether this kind of information should be reported to the Commissioners and discussed by them. This will be discussed in more detail at a later meeting.

The Commissioners next addressed what the Commissioner's definition of policy should be. Commissioner Coker drafted a definition. Discussion ensued about the language. Commission Clerk Tanya Calahan will retype the definition and provide a copy in the packet for the May 16-17, 2002 Commission meeting.

Commissioner Barnes reviewed a list of items that should be included in the Commissioners orientation manual. The Commissioners agreed that the information should be given to the Commissioners in phases, so they are not overwhelmed with too much information in the beginning.

Items such as the Law Against Discrimination, implementing regulations, agency mission statement, agency organization and structure, Commissioner roles and responsibilities, past Commission meeting minutes, and travel procedures can be provided in the beginning. Other information can be provided in later phases.

Commission Clerk Tanya Calahan will put together a draft Commissioner orientation manual and retype the orientation checklist and bring them to the May 16-17, 2002 Commission meeting.

Commissioner Vasquez discussed a proposal for restructuring Commission meetings. The proposal included time on each agenda for the Commissioners to discuss the next meeting's agenda, and more Commissioner input on meeting topics.

Commissioner Casson expressed that the Thursday evening meetings should be restructured and made more effective. Many times, Thursday evening attendance is low. He and Commission Clerk Tanya Calahan met and discussed ideas for restructuring the Thursday evening meeting format. This was done under the strategic planning process. Commissioner Vasquez requested that Ms. Calahan distribute a report that includes the ideas that she and Commissioner Casson discussed about the restructuring of Thursday evening meetings; and provide it for the May 16-17, 2002 Commission meeting.

District Manager Arthur Stratton asked about publicity for Commission meetings. Ms. Calahan stated that press releases are sent out but they do not always result in publicity for the Commission. Mr. Stratton asked about the use of public service announcements (PSE), which are not used to publicize Commission meetings. Commissioner Vasquez asked Mr. Stratton to look into the costs and pros and cons of using PSE's and report his findings at the May 16-17, 2002 Commission meeting.

There was discussion about community networks and mailing lists. Commission Clerk Tanya Calahan currently has a data base for a mailing list, which will be built upon. The data base was created by Data Coordinator Les Smith.

The Commissioners addressed the Friday Commission meeting format. Commissioner Casson requested that the Executive Director's report be in writing. Ms. Jordan asked if the Commissioners have particular guidelines in mind. Commissioner Casson stated that the reports could cover the regular monthly updates but he would prefer them in writing. Commissioner Vasquez stated that it should be brief, and if it were in writing, it would be easier to absorb. The Commissioners agreed that the Executive Director's report should be in writing.

Commissioner Barnes commented that the agency monthly newsletter has been helpful to keep him updated about agency activities.

Commissioner Vasquez suggested that Commissioners update one another on what's issues going on in their individual communities at Commission meetings. He also suggested that loose ends be tied up before adjourning Commission meetings. The Clerk should make sure that all business is wrapped before meeting adjournment.

Commissioner Vasquez suggested that we look at the reason we invite speakers to meetings; specifically, what the benefit would be. Commissioner Casson suggested that those who are invited to speak are scheduled before staff as a courtesy.

Executive Director Sue Jordan spoke briefly about possible agency restructure. She talked about the need for the community to have access to the agency and a need for measurable results for agency activities.

Ms. Jordan spoke about how important it was for staff to conduct quality investigations and produce professional looking investigation files. She talked about the basics of civil rights law and professionalism. She stated that it has been challenging to have consistent results in these areas.

The Commissioners discussed having a policy in support of the agency's mission and the expectation of professionalism. Commissioner Callner and Commission Clerk Tanya Calahan will draft a policy on professionalism from the Commissioners.

The Commissioners requested that Ms. Jordan prepare a handout that outlines the current agency structure and a proposed restructure for discussion at the May 16-17, 2002 Commission meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Tanya Y. Calahan".

Tanya Y. Calahan
Commission Clerk

ACTION ITEMS
APRIL 25-26, 2002 COMMISSION MEETING

1. **Item:** Commissioner Callner and Commission Clerk Tanya Calahan will draft a response letter to the WSFE's regarding the Deputy Director.

Status: A draft of the letter was provided to the Commissioners on May 10, 2002 for discussion and approval at the May 16-17, 2002 Commission meeting.
2. **Item:** Commission Clerk Tanya Calahan will re-draft the Commissioner orientation checklist and put together a sample orientation binder before the May 2002 Commission meeting.

Status: Commission Clerk Tanya Calahan will bring the revised list and the sample binder to the May 16-17, 2002 Commission meeting.
3. **Item:** Commission Clerk Tanya Calahan will prepare and distribute a list of options for restructuring Thursday evening Commission meetings. The list is due before the May 2002 Commission meeting.

Status: Commission Clerk Tanya Calahan will bring the list to the May 16-17, 2002 Commission meeting.
4. **Item:** District Manager Arthur Stratton will look into costs, options, pros, and cons for Commission sponsored public service announcements. This is due before the May 2002 Commission meeting.

Status: Mr. Stratton requested an extension to provide the information at the June 28-29, 2002 Commission meeting.
5. **Item:** Commissioner Callner and Commission Clerk Tanya Calahan will work on drafting a policy directive from the Commissioners regarding the production of professional investigative files.

Status: The draft policy was mailed to the Commissioners in the May 16-17, 2002 Commission meeting packet on May 10, 2002.

6. **Item:** Commissioner Casson requested that staff provide demographic information for the cities that the Commission meetings are held in.
- Status:** Commission Clerk Tanya Calahan will provide that information for each Commission meeting.
7. **Item:** Commission Clerk Tanya Calahan will retype the Commission's draft definition of policy and put it in the meeting packet for the May 2002 Commission meeting.
- Status:** Commissioner Callner provided several policy definition options. Ms. Calahan mailed draft definitions to the Commissioners in the May 16-17, 2002 Commission meeting packet on May 10, 2002.
8. **Item:** Executive Director Sue Jordan will prepare an outline of the current agency organizational structure and a proposed organizational restructure before the May 2002 Commission meeting.
- Status:** The information was included in the May 16-17, 2002 Commission meeting packet and mailed to the Commissioners on May 10, 2002.
9. **Item:** After discussing the process of closing cases and issuing Notices of Commission Action, the Commissioners decided by vote that all investigative findings and Notices of Commission Action are to be mailed out after the Commissioners have formally approved cases at Commission meetings.
- Status:** Commission Clerk Tanya Calahan instituted this practice effective April 26, 2002.
10. **Item:** The Commissioners requested that the Executive Directors monthly reports be written and included in Commission meeting packets.
- Status:** Executive Director Sue Jordan's reports will be written, starting with the May 16-17, 2002 Commission meeting.